



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 16, 1992

Mr. Dennis Michaelis
President
McLennan Community College
1400 College Drive
Waco, Texas 76708

OR92-403

Dear Mr. Michaelis:

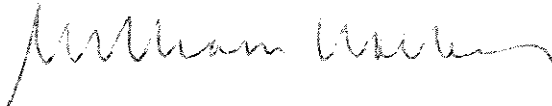
You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 16078.

The McLennan Junior College District has received a request for information relating to the participation by the district's students in the Pell Grant Program. We understand that you are concerned about releasing, in response to the request, information as to the names and addresses of students participating in the program. You claim that that information must be withheld pursuant to the federal Family Educational and Privacy Rights Act of 1974 (FERPA), 20 U.S.C. § 1232g. We agree. *See also* § 14(e) of the Open Records Act (Open Records Act to be construed in conformity with FERPA).

Subsection (b)(1) of FERPA generally prohibits release by covered institutions, of which we understand the McClennan County Junior College District to be one, of "educational records" other than "directory information" without the consent of the student. *See also id.* subsection (d) (requisite consent for release by students 18 or over or attending institutions of post-secondary education). We do not understand any of the exceptions to the subsection (b)(1) restriction on release of information to apply here. Nor do we understand information as to students participating in the Pell Grant Program to constitute releasable "directory information." See definition of "directory information" in subsection (a)(5), and, *e.g.*, Open Records Decision No. 193 (1978) (copy enclosed). Therefore, absent the requisite consent, you may not release the names and addresses of district students participating in the Pell Grant Program.

Because federal law, in our opinion, clearly resolves your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR92-403.

Yours very truly,



William Walker
Assistant Attorney General
Opinion Committee

WW/lmm

Ref.: ID# 16078
ID# 16223

Enclosure: Open Records Decision No. 193

cc: Mr. Fred M. Johnson, Jr.
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